



The Relevant Constitution:

What's the Constitution Have to Do with the 20th Century?

Unit Title – The American War in Vietnam, 1954-1975

Unit Focus – United States Foreign Policy during the War in Vietnam

Lesson Title – From Tonkin to War Powers: A Dichotomy in U.S. Foreign Policy

Lesson Focus – Separation of Powers and Consent of the Governed

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Grade Level/Course – 11/U.S. History; **Time Allotment** – One-Two 50-Minute Periods

I. Lesson Summary

The “Cold War,” or rivalry between the “democratic” United States and “communist” Soviet Union, lasted from the end of World War II through the fall of the Soviet Union in 1991. The American War in Vietnam, as it is referred to by the Vietnamese, therefore is but one chapter in the America’s struggle to contain communism throughout the world. **At the point at which this lesson is taught**, students should have learned about the War, and specifically the counterculture movement, in its entirety. Through **supplemental primary source materials**, this lesson therefore provides an extensive examination of both the Gulf of Tonkin (1964) and War Powers (1973) Resolutions, which respectively, escalated and ended American involvement in Vietnam, and typically are not dissected in a general curriculum unit.

II. Materials and/or Resources –

1. The American War in Vietnam, 1954-1975 – Photo Story (See separate file).
2. Gulf of Tonkin Resolution, Public Law 88-408, 88th Congress, August 7, 1964; General Records of the United States Government; Record Group 11; U.S. National Archives and Records Administration (See below); **or found at** <http://www.ourdocuments.gov/doc.php?flash=true&doc=98>.
3. **Optional** – Tonkin Gulf Resolution, Senate roll call tally sheet, 08/07/1964; SEN 88A-M1, Misc Roll Calls, 88th Congress, 2nd Session; Record Group 46, Records of the U. S. Senate; U.S. National Archives and Records Administration, **found at**, <http://www.ourdocuments.gov/doc.php?flash=true&doc=98>
4. War Powers Resolution, Public Law 93-148, 93rd Congress, H. J. Res. 542, November 7, 1973, Almanac of Policy Issues, 2004 (See below); **or found at**, http://www.policyalmanac.org/world/archive/war_powers_resolution.shtml.
5. Gulf of Tonkin (1964) and War Powers (1973) – Background Information – Hand-out (See below).

III. Strategies Used –

1. From Tonkin to War Powers: A Dichotomy in U.S. Foreign Policy – **Pretest & Posttest** (Multiple Choice) – Hand-outs (See below).
2. **Hook** – The American War in Vietnam, 1954-1975 – Photo Story (**Hook**) (See separate file); Gulf of Tonkin (1964) and War Powers (1973) – Background Information – Hand-out (See below).
3. **Line** – Gulf of Tonkin Resolution (1964) and War Powers Resolution (1973) – Group Read, Summarize, Explain and Evaluate Strategies (See below).
4. **Sinker** – Gulf of Tonkin Resolution (1964) and War Powers Resolution (1973) – Teacher Facilitated Questions (See below).
5. **Optional** – E.L.L., Special Needs and/or Gifted and Talented Suggestions (See below).

IV. Texas Essential Knowledge and Skills/Student Expectations (TEKS/SE's) –

§113.32. United States History Studies Since Reconstruction (One Credit).

(c) Knowledge and skills.

(6) History. The student understands the impact of significant national and international decisions and conflicts from World War II and the Cold War to the present on the United States. The student is expected to:

(E) analyze the conflicts in Korea and Vietnam and describe their domestic and international effects.

(16) Government. The student understands the changing relationships among the three branches of the federal government. The student is expected to:

(A) evaluate the impact of events, including the Gulf of Tonkin Resolution and the War Powers Resolution, on the relationship between the legislative and executive branches of government.

(24) Social studies skills. The student applies critical-thinking skills to organize and use information acquired from a variety of sources including electronic technology. The student is expected to:

(A) locate and use primary and secondary sources such as computer software, databases, media and news services, biographies, interviews, and artifacts to acquire information about the United States;

(B) analyze information by sequencing, categorizing, identifying cause-and-effect relationships, comparing, contrasting, finding the main idea, summarizing, making generalizations and predictions, and drawing inferences and conclusions;

(25) Social studies skills. The student communicates in written, oral, and visual forms. The student is expected to:

(A) use social studies terminology correctly.

(B) use standard grammar, spelling, sentence structure, and punctuation;

(D) create written, oral, and visual presentations of social studies information.

~ What do you want students to know and be able to do?

I. Enduring Understandings –

1. Political systems provide structures for governing society.
2. Democratic governments exist via the consent of the governed.

II. Essential Questions –

1. What impact, if any, does war have on the relationship between the legislative and executive branches (separation of powers)?
2. In a time of war, what impact, if any, do individuals and/or group institutions have on government decision-making processes?

III. Concepts –

- | | | | |
|-------------|----------------|-----------------------|------------------------|
| ~ Change | ~ Constitution | ~ Foreign policy | ~ Protesting |
| ~ Communism | ~ Containment | ~ Government | ~ Separation of Powers |
| ~ Conflict | ~ Democracy | ~ Popular sovereignty | |

IV. Academic Language –

Language of Instruction –

- ~ Change
- ~ Communism
- ~ Conflict
- ~ Constitution
- ~ Democracy
- ~ Foreign policy
- ~ Government
- ~ Popular sovereignty
- ~ Protest Movement/Counterculture
- ~ Resolution
- ~ Separation of powers

Vocabulary –

- ~ Joint Resolution
- ~ Resolved
- ~ Consonant
- ~ Protocol
- ~ Concurrent
- ~ Imminent
- ~ Vested
- ~ Pursuant
- ~ Statutory
- ~ President *pro tempore*
(temporary)
- ~ Necessitate
- ~ Adjourn *sine die* (without
fixing a future date/meeting)
- ~ Scope
- ~ Transmitted
- ~ Convene

V. Objectives –

1. Students **will have** a general understanding of events surrounding the Gulf of Tonkin Resolution (1964) and War Powers Resolution (1973) after viewing, “The American War in Vietnam, 1954-1975 – Photo Story” (See separate file) and by reading provided background information (See below).
2. In groups, students **will read** sections of both the Gulf of Tonkin Resolution (1964) and War Powers Resolution (1973), and each group **will be able to summarize** respective sections in their own words.
3. Student groups **will demonstrate** a solid understanding of both documents as evidenced by a brief **explanation** to the class of their respective section.
4. Students **will be able to evaluate** the impact the Gulf of Tonkin Resolution and the War Powers Resolution, on the relationship between the legislative and executive branches, as well as the concept of popular sovereignty as evidenced by student understanding of the relationship between respective documents, previous knowledge gained on the American counterculture movement, and teacher facilitated discussion.

~ **What activities will you choose to engage students in the learning and ensure they learn what they need?**

I. Engage (Hook – Includes attentive listening, demonstration of student interest and entry point of understanding):

1. Students **will view**, “The American War in Vietnam, 1954-1975 – Photo Story” (See separate file).
2. Students **will read**, Gulf of Tonkin (1964) and War Powers (1973) – Background Information – Hand-out (See below).

Gulf of Tonkin (1964) and War Powers (1973) – Background Information

On August 2, 1964, North Vietnamese torpedo boats were alleged to have fired without provocation on the *U.S.S. Maddox*, an American destroyer stationed in the Gulf of Tonkin off the coast of northern Vietnam. The *Maddox* had been secretly reporting intelligence information to South Vietnam. On August 4, 1964, another attack was alleged against the *Maddox* and the *U.S.S. Turner Joy*, a destroyer that had responded to the initial attack. Although at the time there was speculation over the information received from U.S. Navy Commander John Herrick of the *U.S.S. Maddox*, President Lyndon B. Johnson, amidst campaigning for the presidency, responded with air attacks on North Vietnam. He further requested a resolution from Congress that would essentially serve as a mandate for additional U.S. military action in Southeast Asia. Passed almost immediately on August 7, 1964, with only two dissenting votes, (Senators Ernest Gruening (Dem. – AK) and Wayne Morse (Dem. – OR)), the *Joint Resolution*, "...to promote the maintenance of international peace and security in southeast Asia..." stated that, "Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent any further aggression."

The fact that the incidents in the Gulf of Tonkin were never fully accounted for, and perhaps as reported by Commander Herrick attributed to the, "freak weather effects on radar," was never reported to the American public; the information that was reported was not fully accurate as well. For example, the U.S. destroyers were not on a, "routine patrol" in international waters, as described by Secretary of Defense Robert McNamara in a National Security Council Meeting, but rather were patrolling in Vietnamese territorial waters. Further, what President Johnson described as, "open aggression on the high seas," was speculation that somehow served as unquestionable justification for heightened military action in Southeast Asia.

Over time, the precise meaning of the Gulf of Tonkin Resolution not only became a source of heated debate among American politicians, but also served to bifurcate the American public. Following the Tet Offensive on January 30, 1968, public outcry in the United States against the war hit an apex, and President Johnson did not seek re-election. Although Johnson's successor, President Richard M. Nixon, used the *Resolution* to justify continued Vietnam involvement and extended action in Cambodia, political dissent and deliberation resulted in the passage of the War Powers Resolution on November 7, 1973, and eventual withdrawal of all American troops from Vietnam.

Amidst an environment of military, political and social malaise, Congress passed the War Powers Resolution, effectively placing limitations on the executive's ability to send American troops into combat. Under the *Joint Resolution*, the executive branch had to notify Congress within forty-eight hours of military deployment to areas only where, "imminent" hostilities were likely. Further, the executive had to withdraw troops within sixty days unless there was either a declaration of war, specified congressional authorization or physical inability to do so resulting from an attack on the United States. The executive was allowed to extend troop deployments by thirty days if the executive had certified to Congress that such action was necessary for, "bringing about a prompt removal of such forces." Aside from suspension of troop funding or the power of the veto, the *Resolution* has little resolve against executive non-compliance, with debate over war-making powers remaining to the present day.

II. Explore & Explain (Line – Includes information gathering, sharing/listening to ideas and student recorded generalizations).

1. Teacher **will need** the, Gulf of Tonkin Resolution, Public Law 88-408, 88th Congress, August 7, 1964; General Records of the United States Government; Record Group 11; U.S. National Archives and Records Administration, and War Powers Resolution, Public Law 93-148, 93rd Congress, H. J. Res. 542, November 7, 1973, Almanac of Policy Issues, 2004 (See below)
2. The Tonkin Gulf Resolution, Senate roll call tally sheet, 08/07/1964; SEN 88A-M1, Misc Roll Calls, 88th Congress, 2nd Session; Record Group 46, Records of the U. S. Senate; U.S. National Archives and Records Administration, which can be **found at**, <http://www.ourdocuments.gov/doc.php?flash=true&doc=98> **is optional**, if the teacher wishes to discuss the significance of the Senate vote (**Only two senators, Ernest Gruening (Dem. – AK), Wayne Morse (Dem. – OR) dissented**).
3. Students **will be placed** in groups of no more than 2-3 students (Group size will vary dependent on class size).
4. Each group **will read** a specified section of either the Gulf of Tonkin Resolution or War Powers Resolution.
5. Both documents are **divided into boxed sections** in which **all** of Gulf of Tonkin **should be covered** (Five total sections); however, the War Powers Resolution **should only be covered** from, “Purpose and Policy” through the end of “Congressional Action.” The **remainder** of the War Powers Resolution, may be used for **gifted and talented learners**.
6. After reading, each group **will write a summary** of the section in their own words (**Summaries must be concise and to the point**).
7. Each group **will then briefly explain** their section to the class (**Presentations must be brief and to the point**).

Eighty-eighth Congress of the United States of America
AT THE SECOND SESSION
Begun and held at the City of Washington, on the seventh day of January, one
thousand nine hundred sixty four

Joint Resolution

To promote the maintenance of international peace and security in southeast Asia.

Whereas naval units of the Communist regime in Vietnam, in violation of the principles of the Charter of the United Nations and of international law, have deliberately and repeatedly attacked United States naval vessels lawfully present in international waters, and have thereby created a serious threat to international peace; and

Whereas these attacks are part of a deliberate and systematic campaign of aggression that the Communist regime in North Vietnam has been waging against its neighbors and the nations joined with them in the collective defense of their freedom; and

Whereas the United States is assisting the peoples of southeast Asia to protect their freedom and has no territorial, military or political ambitions in that area, but desires only that these peoples should be left in peace to work out their own destinies in their own way: Now, therefore, be it

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled. That the Congress approves and supports the determination of the President, as Commander in Chief, to take all necessary measures to repel any armed attack against the forces of the United States and to prevent further aggression.

Sec. 2. The United States regards as vital to its national interest and to world peace the maintenance of international peace and security in southeast Asia. Consonant with the Constitution of the United States and the Charter of the United Nations and in accordance with its obligations under the Southeast Asia Collective Defense Treaty, the United States is, therefore, prepared, as the President determines, to take all necessary steps, including the use of armed force, to assist any member or protocol state of the Southeast Asia Collective Defense Treaty requesting assistance in defense of its freedom.

Sec. 3. This resolution shall expire when the President shall determine that the peace and security of the area is reasonably assured by international conditions created by action of the United Nations or otherwise, except that it may be terminated earlier by concurrent resolution of the Congress.

[endorsements]

Source: Gulf of Tonkin Resolution, Public Law 88-408, 88th Congress, August 7, 1964; General Records of the United States Government; Record Group 11; U.S. National Archives and Records Administration, <http://www.ourdocuments.gov/doc.php?flash=true&doc=98>.

War Powers Resolution
Public Law 93-148
93rd Congress, H. J. Res. 542
November 7, 1973

Joint Resolution

Concerning the war powers of Congress and the President.

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled,

SHORT TITLE

SECTION 1. This joint resolution may be cited as the “War Powers Resolution.”

PURPOSE AND POLICY

SEC. 2. (a) It is the purpose of this joint resolution to fulfill the intent of the framers of the Constitution of the United States and insure that the collective judgment of both the Congress and the President will apply to the introduction of United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicate by the circumstances, and to the continued use of such forces in hostilities or in such situations.

(b) Under article I, section 8, of the Constitution, it is specifically provided that the Congress shall have the power to make all laws necessary and proper for carrying into execution, not only its own powers but also all other powers vested by the Constitution in the Government of the United States, or in any department or officer thereof.

(c) The constitutional powers of the President as Commander-in-Chief to introduce United States Armed Forces into hostilities, or into situations where imminent involvement in hostilities is clearly indicated by the circumstances, are exercised only pursuant to (1) a declaration of war, (2) specific statutory authorization, or (3) a national emergency created by attack upon the United States, its territories or possessions, or its armed forces.

CONSULTATION

SEC. 3. The President in every possible instance shall consult with Congress before introducing United States Armed Forces into hostilities or into situation where imminent involvement in hostilities is clearly indicated by the circumstances, and after every such introduction shall consult regularly with the Congress until United States Armed Forces are no longer engaged in hostilities or have been removed from such situations.

REPORTING

SEC. 4. (a) In the absence of a declaration of war, in any case in which United States Armed Forces are introduced –

(1) into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances; (2) into the territory, airspace or waters of a foreign nation, while equipped for combat, except for deployments which relate solely to supply, replacement, repair, or training of such forces; or 3) in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation; the president shall submit within 48 hours to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing, setting forth -

- (A) the circumstances necessitating the introduction of United States Armed Forces;
- (B) the constitutional and legislative authority under which such introduction took place; and
- (C) the estimated scope and duration of the hostilities or involvement.

(b) The President shall provide such other information as the Congress may request in the fulfillment of its constitutional responsibilities with respect to committing the Nation to war and to the use of United States Armed Forces abroad

(c) Whenever United States Armed Forces are introduced into hostilities or into any situation described in subsection (a) of this section, the President shall, so long as such armed forces continue to be engaged in such hostilities or situation, report to the Congress periodically on the status of such hostilities or situation as well as on the scope and duration of such hostilities or situation, but in no event shall he report to the Congress less often than once every six months.

CONGRESSIONAL ACTION

SEC. 5. (a) Each report submitted pursuant to section 4(a)(1) shall be transmitted to the Speaker of the House of Representatives and to the President pro tempore of the Senate on the same calendar day. Each report so transmitted shall be referred to the Committee on Foreign Affairs of the House of Representatives and to the Committee on Foreign Relations of the Senate for appropriate action. If, when the report is transmitted, the Congress has adjourned sine die or has adjourned for any period in excess of three calendar days, the Speaker of the House of Representatives and the President pro tempore of the Senate, if they deem it advisable (or if petitioned by at least 30 percent of the membership of their respective Houses) shall jointly request the President to convene Congress in order that it may consider the report and take appropriate action pursuant to this section.

(b) Within sixty calendar days after a report is submitted or is required to be submitted pursuant to section 4(a)(1), whichever is earlier, the President shall terminate any use of United States Armed Forces with respect to which such report was submitted (or required to be submitted), unless the Congress (1) has declared war or has enacted a specific authorization for such use of United States Armed Forces, (2) has extended by law such sixty-day period, or (3) is physically unable to meet as a result of an armed attack upon the United States. Such sixty-day period shall be extended for not more than an additional thirty days if the President determines and certifies to the Congress in writing that unavoidable military necessity respecting the safety of United States Armed Forces requires the continued use of such armed forces in the course of bringing about a prompt removal of such forces.

(c) Notwithstanding subsection (b), at any time that United States Armed Forces are engaged in hostilities outside the territory of the United States, its possessions and territories without a declaration of war or specific statutory authorization, such forces shall be removed by the President if the Congress so directs by concurrent resolution.

----- **Document Break** -----

CONGRESSIONAL PRIORITY PROCEDURES FOR JOINT RESOLUTION OR BILL

SEC. 6. (a) Any joint resolution or bill introduced pursuant to section 5(b) at least thirty calendar days before the expiration of the sixty-day period specified in such section shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be, and such committee shall report one such joint resolution or bill, together with its recommendations, not later than twenty-four calendar days before the expiration of the sixty-day period specified in such section, unless such House shall otherwise determine by the yeas and nays.

(b) Any joint resolution or bill so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents), and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by yeas and nays.

(c) Such a joint resolution or bill passed by one House shall be referred to the committee of the other House named in subsection (a) and shall be reported out not later than fourteen calendar days before the expiration of the sixty-day period specified in section 5(b). The joint resolution or bill so reported shall become the pending business of the House in question and shall be voted on within three calendar days after it has been reported, unless such House shall otherwise determine by yeas and nays.

(d) In the case of any disagreement between the two Houses of Congress with respect to a joint resolution or bill passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such resolution or bill not later than four calendar days before the expiration of the

sixty-day period specified in section 5(b). In the event the conferees are unable to agree within 48 hours, they shall report back to their respective Houses in disagreement. Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than the expiration of such sixty-day period.

CONGRESSIONAL PRIORITY PROCEDURES FOR CONCURRENT RESOLUTION

SEC. 7. (a) Any concurrent resolution introduced pursuant to section 5(b) at least thirty calendar days before the expiration of the sixty-day period specified in such section shall be referred to the Committee on Foreign Affairs of the House of Representatives or the Committee on Foreign Relations of the Senate, as the case may be, and one such concurrent resolution shall be reported out by such committee together with its recommendations within fifteen calendar days, unless such House shall otherwise determine by the yeas and nays.

(b) Any concurrent resolution so reported shall become the pending business of the House in question (in the case of the Senate the time for debate shall be equally divided between the proponents and the opponents), and shall be voted on within three calendar days thereafter, unless such House shall otherwise determine by yeas and nays.

(c) Such a concurrent resolution passed by one House shall be referred to the committee of the other House named in subsection (a) and shall be reported out by such committee together with its recommendations within fifteen calendar days and shall thereupon become the pending business of such House and shall be voted on within three calendar days after it has been reported, unless such House shall otherwise determine by yeas and nays.

(d) In the case of any disagreement between the two Houses of Congress with respect to a concurrent resolution passed by both Houses, conferees shall be promptly appointed and the committee of conference shall make and file a report with respect to such concurrent resolution within six calendar days after the legislation is referred to the committee of conference.

Notwithstanding any rule in either House concerning the printing of conference reports in the Record or concerning any delay in the consideration of such reports, such report shall be acted on by both Houses not later than six calendar days after the conference report is filed. In the event the conferees are unable agree within 48 hours, they shall report back to their respective Houses in disagreement.

INTERPRETATION OF JOINT RESOLUTION

SEC. 8. (a) Authority to introduce United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances shall not be inferred -

(1) from any provision of law (whether or not in effect before the date of the enactment of this joint resolution), including any provision contained in any

<p>appropriation Act, unless such provision specifically authorizes the introduction of United States Armed Forces into hostilities or into such situations and stating that it is intended to constitute specific statutory authorization within the meaning of this joint resolution; or</p> <p>(2) from any treaty heretofore or hereafter ratified unless such treaty is implemented by legislation specifically authorizing the introduction of United States Armed Forces into hostilities or into such situations and stating that it is intended to constitute specific statutory authorization within the meaning of this joint resolution.</p>
<p>(b) Nothing in this joint resolution shall be construed to require any further specific statutory authorization to permit members of United States Armed Forces to participate jointly with members of the armed forces of one or more foreign countries in the headquarters operations of high-level military commands which were established prior to the date of enactment of this joint resolution and pursuant to the United Nations Charter or any treaty ratified by the United States prior to such date.</p>
<p>(c) For purposes of this joint resolution, the term “introduction of United States Armed Forces” includes the assignment of member of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such military forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities.</p>
<p>(d) Nothing in this joint resolution -</p> <p>(1) is intended to alter the constitutional authority of the Congress or of the President, or the provision of existing treaties; or (2) shall be construed as granting any authority to the President with respect to the introduction of United States Armed Forces into hostilities or into situations wherein involvement in hostilities is clearly indicated by the circumstances which authority he would not have had in the absence of this joint resolution.</p>
<p>SEPARABILITY CLAUSE</p> <p>SEC. 9. If any provision of this joint resolution or the application thereof to any person or circumstance is held invalid, the remainder of the joint resolution and the application of such provision to any other person or circumstance shall not be affected thereby.</p> <p>EFFECTIVE DATE</p> <p>SEC. 10. This joint resolution shall take effect on the date of its enactment.</p> <p>CARL ALBERT Speaker of the House of Representatives.</p> <p>JAMES O. EASTLAND President of the Senate pro tempore.</p>

IN THE HOUSE OF REPRESENTATIVES, U.S.,
November 7, 1973.

The House of Representatives having proceeded to reconsider the resolution (H. J. Res 542) entitled "Joint resolution concerning the war powers of Congress and the President," returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was Resolved, That the said resolution pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest:
W. PAT JENNINGS
Clerk.

I certify that this Joint Resolution originated in the House of Representatives.

W. PAT JENNINGS
Clerk.

IN THE SENATE OF THE UNITED STATES
November 7, 1973

The Senate having proceeded to reconsider the joint resolution (H. J. Res. 542) entitled "Joint resolution concerning the war powers of Congress and the President," returned by the President of the United States with his objections to the House of Representatives, in which it originate, it was Resolved, That the said joint resolution pass, two-thirds of the Senators present having voted in the affirmative.

Attest:
FRANCIS R. VALEO
Secretary.

Source: War Powers Resolution, Public Law 93-148, 93rd Congress, H. J. Res. 542, November 7, 1973, Almanac of Policy Issues, 2004,
http://www.policyalmanac.org/world/archive/war_powers_resolution.shtml.

III. Elaborate (Sinkers) – Includes use of previous and new information for students to ask questions and make reasonable judgment/conclusion).

1. After students **finish explaining** their sections to the class, they will have the opportunity to **elaborate** thoughts, concerns, new insight and questions **via teacher facilitation**.
2. Possible facilitation questions:
 - a. What connections, if any, can be made between the Gulf of Tonkin and War Powers Resolutions?
 - b. Did the American War in Vietnam impact the relationship between the legislative and executive branches (separation of powers)?
 - c. If so, what was the impact/effect/change?
 - d. During times of war, are such effects/changes constant variables of the American political landscape?
 - e. During the American War in Vietnam, did individuals and/or group institutions impact government decision-making processes?
 - f. If so, what impact/effect/change occurred?
 - g. Are certain governmental functions, such as the system of separation powers, as spelled out in the U.S. Constitution, necessary?
 - h. Why or why not?
 - i. Is popular sovereignty a necessary part of the American polity?
 - j. Why or why not?

~ What will you do when students learn differently? What will you do when students do or do not learn what they need?

I. Differentiation

1. **Gifted and Talented** – Student journal series on the Photo-Story, provided background information and conclusions reached from literal text of the Gulf of Tonkin Resolution (1964) and War Powers Act (1973); student analysis of the War Powers Resolution (1973) in its entirety.
2. **E.L.L.** – Students are analyzing small sections of documents and in a group setting.
3. **Special Needs** – Students are analyzing small sections of documents and in a group setting.

~ **How will you know students have learned what they need? What evidence will you accept?**

I. Evaluation – (Includes understanding of knowledge/concepts, formulation of questions, reasonable judgment/conclusion and scored data)

A. Formative Assessment

1. From Tonkin to War Powers: A Dichotomy in U.S. Foreign Policy – **Pretest** (Multiple Choice) – Hand-out (See below).
2. **Hook** – The American War in Vietnam, 1954-1975 – Photo Story (See separate file); Gulf of Tonkin (1964) and War Powers (1973) – Background Information – Hand-out (See above).
3. **Line & Sink** – Gulf of Tonkin Resolution (1964) and War Powers Resolution (1973) – Group Read, Summarize, Explain, Elaborate and Evaluate Strategies (See above).

B. Summative Assessment:

1. From Tonkin to War Powers: A Dichotomy in U.S. Foreign Policy – **Posttest** (Multiple Choice) – Hand-out (See below).
2. Optional Gifted and Talented Extension (See above).

Name: _____ Period: _____ Date: _____

From Tonkin to War Powers: A Dichotomy in U.S. Foreign Policy – Pretest

Directions (Multiple Choice): Select and bubble in the best answer on the provided answer sheet.

1. President Lyndon B. Johnson ordered American aircrafts to strike North Vietnam immediately following an alleged attack on American destroyers secretly patrolling

- A. My Lai. B. the Gulf of Tonkin. C. the Mekong River. D. Can Tho.**

2. On August 7, 1964, the *Gulf of Tonkin Resolution* was passed to promote peace and security in Southeast Asia because, according to the U.S., the Communist government of North Vietnam had,

- A. violated international law.
B. deliberately and repeatedly attacked U.S. navy vessels in international waters.
C. had become a threat to international peace.
D. All of the above.**

3. The *Gulf of Tonkin Resolution*

- A. gave Congress strict control over military involvement in North Vietnam.
B. was passed to intimidate North Vietnam, but did not permit U.S. military action.
C. effectively handed over war-making powers to President Johnson.
D. None of the above.**

4. At its inception, the *Gulf of Tonkin Resolution* had two dissenting votes; however over time, and especially after the Tet Offensive (January 30, 1968),

- A. little political or public debate took place over its meaning.
B. a lot of political and public debate took place over its meaning.
C. little political, but a lot of public debate took place over its meaning.
D. a lot of political, but little public debate took place over its meaning.**

5. On January 27, 1973, an initial peace agreement was signed between the U.S. and North Vietnam, and by April, South Vietnam had fallen to the North. Congress later passed the *War Powers Resolution* (November 7, 1973) as an attempt to

- A. reestablish limits on executive power. B. extend executive power.
C. place limitations on legislative power. D. extend judicial power.**

6. The *War Powers Resolution* called for the executive to

- A. freely go to war whenever he/she saw fit.
B. never go to war because the Constitution says nothing about it.
C. notify Congress within forty-eight hours of military deployment to areas only where, “imminent” hostilities were likely.
D. ask Congress for written authority before engaging in military activity.**

7. The *War Powers Resolution* states that the executive had to

- A. withdraw troops within ninety days unless there was either a declaration of war, specified congressional authorization or physical inability to do so.**
- B. withdraw troops within sixty days unless there was either a declaration of war, specified congressional authorization or physical inability to do so.**
- C. withdraw troops within thirty days unless there was either a declaration of war, specified congressional authorization or physical inability to do so.**
- D. withdraw as soon as Congress told he/she to do so.**

8. The *War Powers Resolution* also states that the executive could extend the original amount of time granted for military deployment by thirty days if the executive

- A. felt the personal need to do so.**
- B. felt the political need to do so.**
- C. certified to Congress a specific need to do so.**
- D. None of the above.**

9. Despite the action taken by Congress to address the political and public controversy that erupted as a result of U.S. involvement in Vietnam, the *War Powers Resolution* does not include a means for dealing with

- A. executive compliance.**
- B. the separation of powers system.**
- C. the checks and balances system.**
- D. executive non-compliance.**

10. American involvement in Vietnam, as well as the debate over which branch controls war-making powers

- A. ended when the American involvement in Vietnam was over.**
- B. ended when the *War Powers Resolution* was passed.**
- C. continued until the mid-1990's.**
- D. continues to the present day.**

Name: _____ Period: _____ Date: _____

From Tonkin to War Powers: A Dichotomy in U.S. Foreign Policy – Posttest

Directions (Multiple Choice): Select and bubble in the best answer on the provided answer sheet.

1. President Lyndon B. Johnson ordered American aircrafts to strike North Vietnam immediately following an alleged attack on American destroyers secretly patrolling

- A. My Lai. B. the Gulf of Tonkin. C. the Mekong River. D. Can Tho.**

2. On August 7, 1964, the *Gulf of Tonkin Resolution* was passed to promote peace and security in Southeast Asia because, according to the U.S., the Communist government of North Vietnam had,

- A. violated international law.
B. deliberately and repeatedly attacked U.S. navy vessels in international waters.
C. had become a threat to international peace.
D. All of the above.**

3. The *Gulf of Tonkin Resolution*

- A. gave Congress strict control over military involvement in North Vietnam.
B. was passed to intimidate North Vietnam, but did not permit U.S. military action.
C. effectively handed over war-making powers to President Johnson.
D. None of the above.**

4. At its inception, the *Gulf of Tonkin Resolution* had two dissenting votes; however over time, and especially after the Tet Offensive (January 30, 1968),

- A. little political or public debate took place over its meaning.
B. a lot of political and public debate took place over its meaning.
C. little political, but a lot of public debate took place over its meaning.
D. a lot of political, but little public debate took place over its meaning.**

5. On January 27, 1973, an initial peace agreement was signed between the U.S. and North Vietnam, and by April, South Vietnam had fallen to the North. Congress later passed the *War Powers Resolution* (November 7, 1973) as an attempt to

- A. reestablish limits on executive power. B. extend executive power.
C. place limitations on legislative power. D. extend judicial power.**

6. The *War Powers Resolution* called for the executive to

- A. freely go to war whenever he/she saw fit.
B. never go to war because the Constitution says nothing about it.
C. notify Congress within forty-eight hours of military deployment to areas only where, “imminent” hostilities were likely.
D. ask Congress for written authority before engaging in military activity.**

7. The *War Powers Resolution* states that the executive had to

- A. withdraw troops within ninety days unless there was either a declaration of war, specified congressional authorization or physical inability to do so.**
- B. withdraw troops within sixty days unless there was either a declaration of war, specified congressional authorization or physical inability to do so.**
- C. withdraw troops within thirty days unless there was either a declaration of war, specified congressional authorization or physical inability to do so.**
- D. withdraw as soon as Congress told he/she to do so.**

8. The *War Powers Resolution* also states that the executive could extend the original amount of time granted for military deployment by thirty days if the executive

- A. felt the personal need to do so.**
- B. felt the political need to do so.**
- C. certified to Congress a specific need to do so.**
- D. None of the above.**

9. Despite the action taken by Congress to address the political and public controversy that erupted as a result of U.S. involvement in Vietnam, the *War Powers Resolution* does not include a means for dealing with

- A. executive compliance.**
- B. the separation of powers system.**
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10. American involvement in Vietnam, as well as the debate over which branch controls war-making powers

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**From Tonkin to War Powers: A Dichotomy in U.S. Foreign Policy
Pre & Posttest Answer Key**

1. **B**
2. **D**
3. **C**
4. **B**
5. **A**
6. **C**
7. **A**
8. **C**
9. **D**
10. **D**

References

Documents

Gulf of Tonkin Resolution, Public Law 88-408, 88th Congress, August 7, 1964; General Records of the United States Government; Record Group 11; U.S. National Archives and Records Administration, <http://www.ourdocuments.gov/doc.php?flash=true&doc=98>.

Tonkin Gulf Resolution, Senate roll call tally sheet, 08/07/1964; SEN 88A-M1, Misc Roll Calls, 88th Congress, 2nd Session; Record Group 46, Records of the U. S. Senate; U.S. National Archives and Records Administration. <http://www.ourdocuments.gov/doc.php?flash=true&doc=98>.

War Powers Resolution, Public Law 93-148, 93rd Congress, H. J. Res. 542, November 7, 1973, Almanac of Policy Issues, 2004, http://www.policyalmanac.org/world/archive/war_powers_resolution.shtml.

Additional Suggested References

I. Books

Baritz, Loren. *Backfire: A History of How American Culture Led Us into Vietnam and Made Us Fight the Way We Did*. (New York: William Morrow & Company, Inc., 1985).

Baker, Mark. *Nam*. (New York: William Morrow, 1983).

Kissinger, Henry. *White House Years*. (Boston: Little, Brown & Co., 1979, pp. 1199).

Lamb, Helen B. *Vietnam's Will to Live: Resistance to Foreign Aggression from Earlier Times Through the Nineteenth Century*. (New York: Monthly Review Press, 1972).

Levy, David W. *The Debate Over Vietnam*. (Baltimore: The Johns Hopkins University Press, 1995).

Lowe, Peter. *The Vietnam War*. (New York: St. Martin's Press, 1998).

Sully, Francois. *We the Vietnamese: Voices from Vietnam*. (New York: Praeger Publishers, 1971).

Taylor, Mawwell. *Swords and Plowshares*. (New York: W. W. Morton & Co., 1972, pp. 249).

Westmoreland, William C. *A Soldier Reports*. (Garden City, NY: Doubleday & Co., 1976)

II. Articles

Finman, Ted & Macaulay, Stewart. "Freedom to Dissent: The Vietnam Protests and the Words of Public Officials." *Wisconsin Law Review*. (Summer, 1966, pp. 1-92).

"Riots, Criminal and Civil Disorders." Hearings Before the Permanent Subcommittee on Investigations of the Committee on Government Operations, Part I, US Senate, 90th Congress (Washington, DC: US Government Printing Office, 1967).

III. Websites

<http://manchu.org/sounds/> - The Sounds of Vietnam, Sponsored by the 4/9 Infantry Manchu (Vietnam) Association (Reel to reel sound clips, as heard by U.S. soldiers in Vietnam, as well as audio from U.S. bases, combat zones, etc.).